KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2019/62/93179/E
Site Address:	31, Chadwick Crescent, Dewsbury, WF13 2JF
Description:	Erection of single storey extensions to the front and rear
Recommending Officer:	Jennifer Booth

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 09-Dec-2019

OFFICER REPORT

Site Description

31 Chadwick Crescent, Dewsbury is a detached two storey dwelling which is sited within a recently built development of similar properties. The dwelling has an open garden, drive and attached garage to the front of the dwelling, a raised patio area to the rear and an enclosed rear garden.

The dwelling is surrounded by similarly aged dwellings and the adjacent 35 Chadwick Crescent is currently constructing a similar extension.

Description of Proposal

The applicant is seeking planning permission for the erection of a single storey front extension and a single storey rear extension.

The existing porch to the side of the projecting element would be removed and a new extension would be erected with a width of 1.8m and a projection of 2.1m. The roof form over this element would be lean to.

The single storey rear extension would project 4m from the original rear wall of the dwelling and would extend across the majority of the width with a 0.6m set back from the corner nearest the boundary with the adjacent 33 Chadwick Crescent. The roof form is proposed to be lean to.

The walls of the extensions would be constructed using brick with tiles for the roof coverings over the extensions.

History of negotiations

The initial proposal included a raised terrace. However, given the relationship with the neighbouring properties, there are concerns in terms of loss of privacy. Amended plans were sought and received to remove the terrace and to only incorporate steps down to the garden level. Given this results in a reduction to the scale of the scheme, the amended plans have not been re-advertised.

Relevant Planning History

None for the host property although of relevance are the applications for the adjacent 33 Chadwick Crescent, which are as follows:

- 2017/91474 - erection of two storey extension and single storey rear extension and conversion of garage - granted

- 2017/91008 - larger home notification - agreed

Representations

The application was advertised by site notices and neighbour letters, which expired on 06/11/2019.

As a result of the above publicity, no representations have been received.

Consultation Responses

None

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highways and access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **PLP 33** – Trees

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development

1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conditions
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

The properties on Chadwick Crescent are similarly aged modern properties with some minor differences in terms of design and scale. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

The proposal under consideration consists of two distinct elements which shall be addressed below.

Single storey front extension

It is appreciated that the front of the dwelling is particularly prominent. However, the property already has some projecting elements to the front. The modest scale proposed in terms of the increase can be considered to form an acceptable relationship with the main house. The materials proposed would be to match the host property and the fenestration detailing is appropriate. As such, the front extension is considered to be acceptable in terms of visual amenity.

Single storey rear extension

The host property and its associated curtilage are of a sufficient size to support the proposed rear extension without amounting to overdevelopment of the site. There are also other properties within the wider development which have been extended and as such the proposed extension would not appear out of character with Chadwick Crescent. Furthermore, the materials proposed would be to match the main house and the detailing is considered to

be acceptable. As such, the single storey rear extension is considered to be acceptable in terms of visual amenity.

Summary

The proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Impact on 29 Chadwick Crescent

Given the limited scale of the front extension together with the separation from the adjacent neighbour to the north, I am satisfied that there would be no harm caused to the amenity of the occupiers of the adjacent 29 Chadwick Crescent.

The neighbour adjacent to the north has their own conservatory which would mitigate the impact of the proposed extension. As such, this element of the scheme would not have any significant impact upon the amenity of the occupiers of the adjacent property.

Impact on 33 Chadwick Crescent

The front extension, given the limited proportions and position relative to the neighbouring property to the south, would not cause any harm to the amenity of the occupiers of the adjacent 33 Chadwick Crescent.

It is appreciated that the adjacent neighbour to the south occupies a position slightly closer to the road than the host property. However, the single storey extension proposed would be set back from the neighbour and it is replacing an existing conservatory. As such, whilst the impact will increase, this would not be significantly more than the existing impact. It is also noted that the neighbour does have an existing planning permission to extend to the rear of their own property although as this has not been constructed, the weight afforded is limited. That being said, on the planning merits, I am satisfied that there would be no harm caused to the amenity of the occupiers of the adjacent 33 Chadwick Crescent.

Impact on 20 Chadwick Crescent

Given the very limited scale of the front extension, there would be no harm caused to the amenity of the occupiers of the neighbouring property on the opposite side of the road.

Impact on 10 & 12 Pickard Way

It is appreciated that the properties to the rear do occupy a substantially lower position than the host property. However, there is well established planting which screens much of the properties from each other and the scale of the single storey extension is not excessive and would have limited additional impact on the amenities of the occupiers of the properties to the rear over and above the existing arrangements on site.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of promoting good design by minimising the impact on residential amenity of neighbouring occupiers as well as Paragraph 127 (f) of the National Planning Policy Framework.

<u>4 – Impact on highway safety</u>:

The proposals would result in some intensification of the domestic use at the application site. However the parking area to the front of the property is of a sufficient size to accommodate two vehicles off-road which is considered to represent a sufficient provision. The scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan.

<u>5– Other matters:</u>

Biodiversity

After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought. This is considered sufficient to comply with the aims of chapter 15 of the NPPF.

Mature Trees

The area is populated with a substantial number of protected trees. However, there are none within the site or in close proximity to the site which could be affected by the proposed works. As such, the proposal is considered to comply with the aims of policy LP33 of the KLP.

There are no other matters for consideration.

6 – Representations:

None

7 - Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

8 – Conclusion:

This application to erect a single storey extension to the front and a single storey extension to the rear of 31 Chadwick Crescent has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2019/93179
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	**Reference**	**Web ID**	**Date Received**
Existing plans	-	781979	30/09/2019
Proposed plans	-	772249	28/11/2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The initial proposal included a raised terrace. However, given the relationship with the neighbouring properties, there were concerns raised in terms of privacy. Amended plans were sought and received to remove the terrace. Given this results in a reduction to the scheme, the amended plans were not re-advertised. This is in accordance with the Council's Development Management Charter.

Report Dated 06/12/2019